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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,354	09/09/2003	Salim Ejaz	EJAZ-MIRROR	2118
4988	7590	03/08/2005	EXAMINER	
ALFRED M. WALKER 225 OLD COUNTRY ROAD MELVILLE, NY 11747-2712			AMARI, ALESSANDRO V	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/658,354

Applicant(s)

EJAZ, SALIM

Examiner

Alessandro V. Amari

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 15-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/9/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election of species 1 in the reply filed on 7 February 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claims 15-19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the concave mirror surfaces of claim 4, or the hinge of claim 6, or wherein the mirror surfaces fold into a substantially planar position for deployment as recited in claim 7 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 8 and 20 are objected to because of the following informalities:

Regarding claim 8, in the listing of claims, claim 8 is indicated as withdrawn. This appears to be in error and the claim was examined as part of this office action.

Regarding claim 20, line 5, the phrase, "the rear view mirror" lacks antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5, 10, 13 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis, II US 5,424,875.

In regard to claim 1, Davis teaches (see Figures 1, 3-6) an apparatus for increasing driver visibility, comprising mirror surfaces (18) extendable substantially

horizontally and vertically from a rear end of a vehicle as described in column 3, lines 48-60 and column 4, lines 1-18.

Regarding claim 2, Davis teaches a connecting means connecting said mirror surfaces wherein said connecting means connects said mirror surfaces forming an angle ranging between 0 degrees and 120 degrees as described in column 3, lines 48-60.

Regarding claim 3, Davis teaches that said angle is about 90 degrees as described in column 3, lines 48-60.

Regarding claim 5, Davis teaches a rotating means positioning said mirror surfaces as described in column 5, lines 4-34.

Regarding claim 10, Davis teaches (see Figures 1, 3-6) a visual aid comprising a mirror assembly (10), a compact housing (54) attached to an exterior of a vehicle; a lifting mechanism within said housing, wherein said lift mechanism positions said mirror assembly as described in column 5, lines 4-34.

Regarding claim 13, Davis teaches (see Figure 5) an activator (52) is connected by a communications cable (56) joining said lift mechanism to a passenger compartment of a motor vehicle as described in column 5, lines 4-34.

Regarding claim 20, Davis teaches (see Figures 1, 3-6) a method for safely backing a vehicle into a traffic lane comprising the steps of providing a visual display within the viewscape of the driver while peering directly through the rear window or while facing forward; viewing the rear view mirror wherein said display presents images of said traffic lane in both directions derived from a vantage point just beyond the rear

periphery of said vehicle to alert said driver to any approaching traffic which may present a hazard

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis, II US 5,424,875 in view of Ben-Ghiath US 5,666,227.

Regarding claims 4 and 11, Davis, II teaches the invention as set forth above and in regard to claim 11 teaches that (see Figure 1) the pair of reflecting surfaces (18) are non-parallel to each other and said lift mechanism includes a telescoping rod attached to said mirror assembly as described in column 5, lines 4-34 but in regard to claim 4, does not teach that said mirror surfaces are concave. Further, in regard to claim 11, Davis, II does not teach that said mirror assembly includes concave reflecting surfaces.

Regarding claims 4 and 11, Ben-Ghiath teaches mirrors having concave reflecting surfaces as described in column 4, lines 30-33.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize concave reflecting surfaces as taught by Ben-Ghiath in the apparatus of Davis in order to provide for a better viewing angle and to facilitate reflection of images towards the right and left of the driver's field of view.

8. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis II US 5,424,875 in view of Jones US 1,562,335.

Regarding claims 6 and 7, Davis, II teaches the invention as set forth above and in regard to claim 6, teaches that the apparatus further comprises a rotating means positioning said mirror surfaces as described in column 5, lines 4-34 but in regard to claim 6, does not teach that said connecting means comprises a hinge. Further in regard to claim 7, Davis II does not teach that the mirror surfaces fold into a substantially planar position for deployment.

Regarding claim 6, Jones does teach (see Figure 1) that said connecting means comprises a hinge (8) and in regard to claim 7, that the mirror surfaces fold into a substantially planar position for deployment as shown in Figures 1 and 2.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the hinge as taught by Jones for the apparatus of Davis II in order to provide for more flexibility in adjusting the mirror surfaces for better viewing angles.

9. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis II in view of Bracamonte US 4,758,078.

Regarding claim 8, Davis, II teaches the invention as set forth above and teaches that the apparatus further comprises a telescoping means for extending said mirror surfaces from said housing as described in column 5, lines 4-34. However, regarding claim 8, Davis, II does not teach a housing for storage of said mirror surface.

Regarding claim 8, Bracamonte does teach a housing for storage of said mirror surface as described in column 1, lines 63-64.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the housing of Bracamonte for the mirror of Davis in order to provide additional protection of the mirror surfaces from the environment and to prevent vandalism.

10. Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis II in view of Le Blanc et al US 6,489,927.

Regarding claims 9 and 14, Davis, II teaches the invention as set forth above but does not teach that the apparatus or housing is attached to the rear license plate of the vehicle.

Regarding claims 9 and 14, LeBlanc does teach that the apparatus or housing is attached to the rear license plate of the vehicle as described in column 1, lines 15-20.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to attach the apparatus of Davis II to the license plate as taught by LeBlanc in order to provide for a stable mounting point for the apparatus.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis II US 5,424,875 in view of Baschnagel, III US 6,847,288.

Regarding claim 12, Davis, II teaches the invention as set forth above but does not teach that the visual aid further comprises an activator which is a radio transmitter.

Regarding claim 12, Baschnagel, III teaches (see Figure 1) that the visual aid further comprises an activator (28) which is a radio transmitter as shown in Figure 1.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the radio transmitter as taught by Baschnagel III in the visual aid of Davis in order to provide for remote control of the visual aid so as to increase convenience for the driver.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Phillips GB 2177361 teaches an apparatus for increasing driver visibility, comprising mirror surfaces extendable substantially horizontally and vertically from a rear end of a vehicle as shown in Figures 1 and 4.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alessandro V. Amari whose telephone number is (571) 272-2306. The examiner can normally be reached on Monday-Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on (571) 272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ava/14
17 February 2005


MARK A. ROBINSON
PRIMARY EXAMINER